

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JULIO CHRISTIAN,

Petitioner

V.

COMMONWEALTH OF PENNSYLVANIA,

Respondent

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CIVIL NO. 3:CV-14-126

(Judge Conaboy)

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JAN 28 2014

JULIO CHRISTIAN,

Petitioner

V.

COMMONWEALTH OF PENNSYLVANIA,

Respondent

PER C
DEPUTY CLERK

CIVIL NO. 3:CV-14-79

(Judge Conaboy)

MEMORANDUM
Background

Julio Christian, an inmate presently confined at the Rockview State Correctional Institution, Bellefonte, Pennsylvania (SCI-Rockview), filed both of the above captioned pro se petitions for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Christian's initial action was filed in this district on January 23, 2014. Named as Respondent therein is the

Commonwealth of Pennsylvania.¹ The one page Petition is labeled as "Notice of Federal Habeas Corpus Action." It does not set forth any facts or claims of entitlement to federal habeas corpus relief. Rather, Petitioner simply voices his intention to seek habeas corpus relief under § 2241.

The following day, January 24, 2014, Christian filed a second § 2241 action with this Court. Therein, Petitioner again names the Commonwealth of Pennsylvania as Respondent and his matter is captioned as "Writ of Habeas Corpus." This filing consists of nine (9) numbered paragraphs and appears to be the habeas corpus petition referenced by Petitioner's initial filing.

Discussion

Rule 42(a) of the Federal Rules of Civil Procedure states:

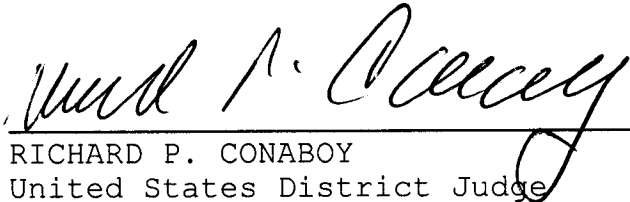
(a) **Consolidation.** If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary costs or delay.

¹ The only properly named Respondent in a federal habeas corpus action is Petitioner's custodial official, in this case, the SCI-Rockview Superintendent. See 28 U.S.C. § 2242.

Fed. R. Civ. P. 42(a).

It is apparent that it was Christian's intention to only initiate a single habeas corpus action with this Court. Consequently, since the above described actions contain common factors of law and fact, this Court will order the consolidation of Christian's latest petition into his prior pending action pursuant to Rule 42(a) and will proceed with the consolidated matter under Petitioner's initially filed action, Civil Action No. 3:CV-14-79. An appropriate Order will enter.



RICHARD P. CONABOY
United States District Judge

DATED: JANUARY 18, 2014